

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re FIRSTENERGY CORP. SECURITIES LITIGATION)	No. 2:20-cv-03785-ALM-KAJ
)	<u>CLASS ACTION</u>
ALL ACTIONS)	Judge Algenon L. Marbley Magistrate Judge Kimberly A. Jolson
)	
MFS Series Trust I, et al.,)	No. 2:21-cv-05839-ALM-KAJ
Plaintiffs,)	
vs.)	
FirstEnergy Corp., et al.,)	
Defendants.)	
Brighthouse Funds Trust II – MFS Value Portfolio, et al.,)	No. 2:22-cv-00865-ALM-KAJ
Plaintiffs,)	
vs.)	
FirstEnergy Corp., et al.,)	
Defendants.)	

ORDER

Before the Court is the parties' Joint Stipulation Regarding FirstEnergy's Motion to Stay the District Court's May 6, 2024 Opinion & Order (Doc. 653) Pending the Sixth Circuit's Resolution of its Petition for a Writ of Mandamus (Doc. 680). In it, Defendant FirstEnergy Corp. ("FirstEnergy") moves to stay the May 6 Order pending resolution of the Petition for Writ of

Mandamus filed by FirstEnergy in *In re FirstEnergy Corp.*, No. 24-3654 (6th Cir. July 29, 2024) (“Mandamus Petition”). (Doc. 680 at 3).

The Court previously denied FirstEnergy’s Motion for Certification of an Order for Interlocutory Appeal and Stay Pending Appellate Review, which involved the same issue. (Doc. 673; *see* Doc. 661-1 at 22 (requesting the Court impose a temporary stay of the case “pending further appellate review under Section 1292(b) . . . or a potential petition for a writ of mandamus.”)). Likely recognizing the futility of asking for yet another stay when this issue has been briefed *ad nauseum*, the parties filed this stipulation to comply with Federal Rules of Appellate Procedure 8(a)(1) and 8(a)(2)(A). (*See* Doc. 680 at 3 (stipulating FirstEnergy incorporates its prior briefing, the Mandamus Petition, and amicus briefs in support of its motion)). Ultimately, through their stipulation, the parties “seek to avoid additional briefing . . . that may be unnecessary.” (*Id.* at 4).

Having considered the stipulation, prior briefing, and the Mandamus Petition, FirstEnergy’s request to stay the Court’s May 6, 2024, Order & Opinion pending the Sixth Circuit’s resolution of the Mandamus Petition is **DENIED**.

The parties are **WARNED** that until the Sixth Circuit, this Court, or the Special Master says otherwise, fact discovery is **not** stayed. The parties will engage in productive, good faith fact discovery, in line with the plan ordered by the Special Master. (*See* Doc. 683).

IT IS SO ORDERED.

DATED: September 9, 2024



ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE